



# South Carolina Department of Insurance

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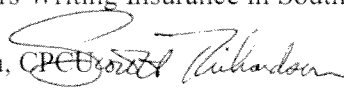
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## BULLETIN NUMBER 2009-22

TO: All Licensed Insurers Writing Insurance in South Carolina

FROM: Scott H. Richardson, CPCU   
Director

SUBJECT: Retaliatory Fees

DATE: December 16, 2009

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### I. PURPOSE

It has come to the Department's attention that there may be some insurers who are not paying the appropriate retaliatory fees when making rate and form filings in this State. South Carolina Code § 38-7-90(A) provides, in pertinent part, that:

"... when the laws of any other state or the regulations or actions of any public official of another state subject, or would subject, insurance companies chartered by this State or their agents or representatives, to fees, taxes, obligations, conditions, restrictions or penalties for the privilege of doing business in that state which are greater than those required by this State of similar insurers organized or domiciled in the other state by or in this State for the privilege of doing business herein, then all similar insurers organized or domiciled in that state are subjected to the greater requirements which are or would be imposed by or in that state upon similar insurers of this State."

### II. REPORTING OF FEES

Effective immediately, each filing description on the 2004 Form must include the amount of the filing fee that would be charged to insurance companies licensed by South Carolina for a similar filing in the submitting insurer's state of domicile. If that filing fee is not zero, then a retaliatory fee in the amount of the indicated fee must be included with the filing.

Also effective immediately, the EFT (electronic fund transfer) will be available in SERFF. Each SERFF filing submission will be reviewed upon submission for payment details. The filing description on the 2004 Form must include the amount of the fee submitted via EFT. Checks will be accepted for SERFF filings. However, the description on the 2004 Form must include the check number, amount of the fee and the date the check was submitted to the Department.

Checks must be mailed to the Department at the address listed above and directed to the attention of Bonnie Lindler. The state or SERFF tracking number must be provided along with the check. Checks can be mailed to the Department along with paper filings.

## **II. QUESTIONS**

Please contact Carla Griffin at [cgriffin@doi.sc.gov](mailto:cgriffin@doi.sc.gov) if you have any questions<sup>1</sup>.

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<sup>1</sup> Bulletins are the method by which the Director of Insurance formally communicates with persons and entities regulated by the Department. Bulletins are not law. They are departmental interpretations of South Carolina insurance laws and regulations and provide guidance on the Department's plans for enforcement. Bulletins neither set forth legal rights, duties or privileges nor provide legal advice. Readers should consult applicable statutes and regulations or contact an attorney of your choice for legal advice and if additional information is needed.